



## UNITED STATES DISTRICT COURT

## SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8634

UNITED STATES OF AMERICA, ) Magistrate Case No.:  
Plaintiff, ) COMPLAINT FOR VIOLATION OF  
v. ) 21 U.S.C. § 952 and 960  
Sergio CALDERA-Barajas, ) Importation of a Controlled  
Defendant. ) Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about July 12, 2008, within the Southern District of California, defendant Sergio CALDERA-Barajas, did knowingly and intentionally import approximately 17.68 kilograms (38.89 pounds) of marijuana a schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Section 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

  
Paul Lewenthal, Senior Special Agent  
U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence this 14th day of July 2008.

  
PETER C. LEWIS  
U.S. Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

2 Sergio CALDERA-Barajas

3 STATEMENT OF FACTS

4 This complaint is based on the reports, documents, and notes  
5 furnished to U.S. Immigration and Customs Enforcement Special  
6 Agent Paul Lewenthal.

7 On July 12, 2008, at approximately 2145 hours, Sergio  
8 CALDERA-Barajas attempted to enter into the United States at the  
9 Calexico, California, West Port of Entry, from the Republic of  
10 Mexico. CALDERA was the driver and sole occupant of a 1985 Buick  
11 Le Sabre bearing Arizona license plates 300WKY.

12 Customs and Border Protection Officer (CBPO) J. Burgueno was  
13 manning primary vehicle lane number two when CALDERA presented  
14 himself for inspection. CALDERA presented a photo-altered I-94  
15 document as proof of citizenship. CBPO Burgueno received a  
16 negative Customs declaration from CALDERA. CBPO Burgueno escorted  
17 CALDERA to the vehicle secondary inspection office and the  
18 vehicle was driven to the vehicle secondary area.

19 In secondary inspection, CALDERA's vehicle was screened by  
20 Canine Enforcement Officer (CEO) M. Hedlund using his canine. The  
21 canine alerted to the rear driver's side corner of the vehicle.

22 CBPO Burgueno inspected the inside of the vehicle where he  
23 discovered eight (8) packages within the back rest of the rear  
24 seat. CBPO Burgueno probed a package, revealing a green leafy  
25 substance, which field-tested positive for marijuana. The total

1 weight of the marijuana packages was 17.68 kilograms (38.89  
2 pounds).

3 CALDERA was arrested for importation of marijuana into the  
4 United States. CALDERA was advised of his rights, in Spanish, by  
5 Special Agent P. Lewenthal. CALDERA stated he understood his  
6 rights and agreed to answer questions without the presence of an  
7 attorney. CALDERA admitted knowledge of the marijuana concealed  
8 within the vehicle. CALDERA stated he was going to be paid  
9 \$2,000.00.

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